

REMARKS

The application has been amended to address the Examiner's rejections set forth in the October 4, 2004 Office Action and thus is believed to be in condition for allowance.

In the Action, the Examiner acknowledged receipt of the Request for Continued Examination filed on June 30, 2004 and has withdrawn the finality of the previous Office Action and entered the Amendment. The Examiner has asserted a new ground of rejection of claims 14 and 16 under 35 USC § 103(a) as being obvious over Dunn in view of Klingel (USP 4,583,719); and rejected claims 12 and 13 under 35 USC § 103(a) as being obvious over Dunn in view of Klingel as applied to claims 14 and 16 and further in view of Graf et al.

The application has been amended and is believed to overcome the § 103(a) rejections of the claims. Specifically, the Examiner has acknowledged the deficiencies in the prior grounds of rejection. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP 2143.

Applicants' arguments concerning the primary reference, Dunn, are reiterated. As the Examiner has acknowledged, Dunn fails to disclose every element of the claimed invention. In particular, with respect to claim 14, Dunn fails to disclose "a first approaching motor (83) to approach the first clamp (53C, 53D) to the second clamp (53A, 53B);" and with respect to claim 16, Dunn fails to disclose "a second approaching motor (83) to approach the third clamp (69C, 69D) to the fourth clamp (69A, 69B)." The present invention provides a motor to drive the clamps down or up in order to accommodate the workpiece W (see FIG. 5). The

size of the workpiece (W) in the second direction varies from Q to R (shown in the attached annotated FIG. 5), because the workpiece (W) is notched and punched. According to the present invention, even though the size of the workpiece (W) in the second direction varies for Q to R, the first clamp (53C, 53D) can be moved to approach the second clamp (53A, 53B) in the second direction (Y), thereby enabling clamping of the workpiece(W) during punching operation, as recited in claim 14. Likewise, claim 16 also provides a motor to drive the third clamp (69C, 69D) toward the fourth clamp (69A, 69B).

Dunn discloses clamp assemblies 106 and 106a that are adjustably secured on a bar 86 by nuts 102 and 102a, a screw 105 and a clamping handle 104. However, the adjustments of the clamp assemblies are manual. No motor is provided to move the clamps. Thus, when the size of the workpiece varies, for example, by notching, an operator has to stop the machine and releases or loosens the bolt 105 or clamping handle 104 and slides the clamp 106 or 106a toward the other clamp to accommodate the notch. This manual process is highly labor intensive and reduces productivity of the punching machine. The present invention resolves this problem and increases productivity of the punching machine even though the size of the workpiece varies.

The secondary reference, Klingel, does not overcome the deficiencies in Dunn. The punching machine according to the present invention has a specific point where “the second clamp (53A, 53B) is **not** moved in the second direction (Y)” as recited in the third wherein clause in the twice amended claim 14 (or claim 16), in addition to that the first positioning device (53) includes the first approaching motor (83) to approach the first clamp (53C, 53D) to the second clamp (53A, 53B).

The size of the workpiece (W) in the second direction varies as size Q from size R shown in Fig. 5. The first margin is changed when the size of the workpiece (W) is changed in the second direction.

However the second margin is not changed even when the size of the workpiece (W) is changed in the second direction. According to the above structure of the present invention, the workpiece (W) can be positioned in a stable state in the second direction (Y).

In contrast, the applied reference, Klingel, discloses that a first clamp (e.g., 19, Fig. 1) and a second clamp (e.g., 35, Fig. 1) are together moved in the direction (e.g., 6, Fig. 1). Therefore, a workpiece cannot be positioned in a stable state in the direction (e.g., 6, Fig. 1).

None of the other cited references disclose the above specific aspects of the present invention.

Reconsideration and withdrawal of the § 103(a) rejections are respectfully requested.

As all grounds of rejection have been addressed and overcome, entry of this Amendment and issuance of a Notice of Allowance of the claims, as now presented, are respectfully solicited.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (000004.00661). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely.

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Any fees due are authorized above.

Respectfully submitted,

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Attachment: Annotated Fig. 5